

REMARKS

In the Office Action, claims 1-8, 47-55, and 57-94 were rejected. By this Preliminary Amendment, claims 1, 47, 57, 68, 79 and 87 are amended. Reconsideration of the rejections and allowance of all pending claims are respectfully requested.

Double Patenting Rejection

In the Office Action, the Examiner asserted a double patenting rejection of claims 1-8 and 47-55 as being unpatentable over claims 1-42 of U.S. Patent Application No. 09/940,065. Moreover, the Examiner emphasized that the present rejection is a *provisional* double patenting rejection.

In the interest of efficient prosecution, Applicants respectfully request that the Examiner hold in abeyance the double patenting rejection until the allowability of the claims is indicated. Although Applicants do not necessarily agree with the Examiner's rejection, Applicants will nonetheless consider filing a terminal disclaimer upon indication that the pending claims are allowable. That is, Applicants respectfully request that the discussion regarding the double patenting rejection be suspended until the allowability of the claims is determined.

Rejection Under 35 U.S.C. § 103

Claims 1-8, 47-55, and 57-94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Henderson, U.S. Patent No. 3,403,240, in view of Duncan, U.S. Patent No. 5,198,053.


As indicated in the Response originally filed to the Final Office Action, the Henderson reference discloses a system in which a portable unit 10 receives high frequency power from a "suitable source." The portable unit does not itself qualify as a "power source." However, to advance prosecution of the present application towards

allowance, the independent claims have been amended by this Preliminary Amendment to more particularly point out and distinctly claim that the recited power source actually performs power conversion of incoming power to output power of a controlled frequency. Clearly, Henderson does not perform such conversion in the portable unit 10, but merely receives high frequency power from a remote source. The Duncan reference does nothing to obviate this deficiency in the disclosure of Henderson.

All of the claims pending in the application are thus believed to be clearly patentable over the prior art of record, and their reconsideration and allowance are requested at the Examiner's earliest convenience. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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